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 Excerpt  
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## CHAPTER I

*Confronting slavery at Rome*

In the late spring of 53 BC the Roman orator and politician M. Tullius Cicero received a letter from his brother Quintus who was then occupied with Julius Caesar in the conquest of Gaul. The letter (*Epistulae ad Familiares* 16.6) began as follows:

My dear Marcus, as I hope to see you again and my boy and my Tulliola and your son, I am truly grateful for what you have done about Tiro, in judging his former condition to be below his deserts and preferring us to have him as a friend rather than a slave. Believe me, I jumped for joy when I read your letter and his. Thank you, and congratulations.

The source of Quintus' pleasure was Cicero's decision, taken shortly before, to set free a family slave named Tiro, a cultured man of considerable literary capacity. The pleasure was intense. Quintus spoke in his letter of Tiro, his own son and Cicero's children – all in one breath as it were – without communicating any sense of unease, for the manumission was a joyous affair, almost, it seems, a family event. Also intense was Cicero's personal regard for the slave, as a number of other letters that passed between the two show: just prior to the manumission for instance Cicero had been very concerned about Tiro's ill-health. Tiro was a valued slave whom Cicero thought fit to translate to a condition that better suited his accomplishments and the esteem in which he was held. In Roman Italy of the first century BC, it was evidently possible for the slave to achieve individual distinction despite his lowly origins and to be happily received into the free, civic community.<sup>1</sup>

Somewhat later a slave experience far different from Tiro's manumission took place in a very remote part of the Roman world, the province of Pamphylia in central southern Asia Minor. There,

<sup>1</sup> Ill-health: Cic. *Fam.* 16.10. Tiro: see in general, Treggiari 1969: 259–63.

in the coastal city of Side in the summer of AD 142, as a papyrus document (*P. Turner 22*) reveals, a ten-year-old slave girl named Abaskantis was sold by a certain Artemidoros to a new owner, Pamphilos, in a transaction bound by the Roman law of sale. The document opens thus:

In the consulship of L. Cuspius Rufinus and L. Staius Quadratus, at Side, before L. Claudius Auspicatus, demiurge and priest of the goddess Roma, on 26 Loos. Pamphilos, otherwise known as Kanopos, son of Aigyptos, from Alexandria, has purchased in the marketplace from Artemidoros, son of Aristokles, the slave girl Abaskantis, or by whatever other name she may be known, a ten-year-old Galatian, for the sum of 280 silver denarii. M. Aelius Gavianus stands surety for and guarantees the sale. The girl is healthy, in accordance with the Edict of the Aediles . . . is free of liability in all respects, is prone neither to wandering nor running away, and is free of epilepsy . . .

From this text the early history and the ultimate fate of Abaskantis cannot be known. All that is certain is that she was once sold by herself at a tender age in a city far from her place of birth in Galatia to the north. It looks as if she had been taken from her family of origin to become a victim of what the Roman jurist Papinian (*Digesta Iustiniani* 41.3.44 pr.) once called ‘the regular, daily traffic in slaves’, and was perhaps now being exchanged between slave-dealers: Pamphilos was from Alexandria at least, and so Abaskantis was probably destined for Egypt. Evidently the buying and selling of human merchandise was an ordinary, prosaic aspect of Roman life that among the free caused little consternation.

A more fortunate figure than Abaskantis, it seems, was the Roman slave Musicus Scurranus, a man known from an inscription (*ILS 1514*) set up to commemorate him when he died in the early first century AD. The inscription begins like this:

To the deserving Musicus Scurranus, slave of Tiberius Caesar Augustus, accountant (*dispensator*) of the Gallic Treasury in the province of Gallia Lugdunensis, from those of his underslaves (*vicarii*) who were with him when he died at Rome . . .

Although himself a slave, that is to say, Musicus Scurranus had a personal slave retinue of his own, and his inscription actually continues with the names and job-titles, save in one case, of sixteen of its members. They include a business agent, an accountant, three secretaries, a doctor, two chamberlains, two attendants, two cooks,

and three slaves who were respectively in charge of Scurranus' clothes, gold and silver. In law the Roman slave was allowed to own nothing, so although he was their owner in effect, technically the *vicarii* of Musicus Scurranus belonged to Scurranus' own master, the emperor Tiberius. Ownership of slaves by slaves seems strange at first sight, but in societies like that of Rome where slaveowning was a critical mark of any individual's social standing it has been far from unusual. Here it immediately exposes a hierarchy among Rome's servile population close to the top of which Musicus Scurranus apparently rose. He himself was one of the hundreds of imperially owned slaves who played an important role in the administration of the Roman empire under the new system of government introduced by Augustus. The fact that he was a financial official presupposes that he was reasonably well-educated and trustworthy, and his position obviously brought him substantial material rewards. In many ways, therefore, Musicus Scurranus was a great success.<sup>2</sup>

Another glimpse of slave life can be seen, though less brilliantly, in a legal text preserved in the *Digest of Justinian*, the great compilation of Roman law that belongs to the second quarter of the sixth century AD. When a slave was sold – the case of Abaskantis is a good example – the law required that certain procedures be followed, one of which was that the seller should declare whether the slave was diseased or defective in any way in case the slave's capacity to perform was at all diminished. In consequence jurists frequently had to rule on what constituted disease or defect because disputes often arose about the effects on performance of specific complaints. A startling decision of this kind is the following ruling from Ulpian, usually regarded as one of the greatest of the Roman jurists, who flourished in the early third century AD (*Dig.* 21.1.8):

The question arises whether one whose tongue has been cut out is healthy. This problem is dealt with by Ofilius in respect of a horse. His opinion is in the negative.

Now it is difficult to imagine circumstances under which a slave's tongue had been cut out unless a slaveowner had opted to punish the slave in a particularly brutal way or had engaged in a sadistic act of unwarranted violence against him. However, Ulpian could plainly take the severing of a slave's tongue as a realistic event that

<sup>2</sup> Unusual: Karasch 1987: 211.

from a legal point of view had to be dealt with pragmatically. He recognised that any Roman slave, as a matter of course, could become the object of physical abuse or injury at any time, and in so doing reflected the strong association between slavery and violence that always held a place in the Roman mind.

As an introduction to the study of slavery in Roman antiquity, the four images of slave life with which I have begun are variously instructive. They illustrate first the great complexity of Roman slavery, for although manumission and sale, the achievement of material success and physical violation were all common features of servile experience at Rome, they are features which hardly seem to fit comfortably together. It is as if they were pieces of two jigsaw puzzles that have been indiscriminately tossed together with no hope of ever being sorted out – or to put it another way one can hardly imagine Cicero the kindly benefactor of Tiro cutting out a slave's tongue, Tiro's or anyone else's. The truth is, however, that there were many variations and contradictions in the way slaves were treated at Rome and in how they lived their lives, and incongruity could easily manifest itself in the actions of a single individual. In a letter written to his friend Atticus when a favourite slave boy had died, Cicero made the revealing remark (*Epistulae ad Atticum* 1.12.4) that the event had touched him 'more than the death of a slave perhaps ought to do'. The Roman slavery system cannot be understood, therefore, without at once acknowledging its enormous diversity and variability, and any attempt to define its general features must constantly allow for the unanticipated and the exceptional.

Secondly, the opening images show that slavery at Rome has to be approached above all as a social institution. Individual slaves were set free, sold, rewarded or punished by their owners, the men, women and at times children who utterly dominated their lives, which means that the institution itself has to be approached primarily in terms of the social relationship which bound slave and slaveowner together. The relationship was just one, as it happens, of a sequence of asymmetrical relationships in Roman society that tied individuals together, comparable to the relationships between emperor and citizen-subject, father and son, teacher and pupil or officer and soldier, a set of examples used by the younger Seneca (*de Clementia* 1.16.2) in the middle of the first century AD in a work

composed for the emperor Nero. The point Seneca wanted to make was that, although forms of authority could differ in degree, all relationships were best served if the superior party treated the inferior with clemency. The idea was that traditional social bonds, all dependent upon injunction and deference, served to perpetuate the established order of society and had to be preserved: if some people were given power over others, the best interests of all would be met, at least from the standpoint of those who exercised control. The master–slave relationship at Rome, therefore, was not altogether a social peculiarity.<sup>3</sup>

On another occasion (*de Beneficiis* 3.18.3) Seneca compared the relationships between king and subject and commander and soldier with that between master and slave, and towards the close of the central period the Christian writer Tertullian (*Apologeticus* 3.4) took the relationships between husband and wife, father and son, and master and slave as the basic structures of authority around him. It was a conventional mode of thought. But if the master–slave relationship was only a variation on a theme in the Roman mind, the degree of variation in this case was highly significant, for in no other circumstance was power exercised by one over the other in such an all-embracing manner. The Roman emperor passed laws that affected all his citizen-subjects, but his powers of enforcement were limited. The Roman father retained formal authority over his sons until his death, but in real life adult sons were in many respects fully independent. The powers of the schoolteacher and military officer were also circumscribed by time and situation. In the master–slave relationship, however, there were no restricting factors: the slave was at the complete and permanent disposal of the master and except by an act of resistance could never find relief from the necessity of obeying because there were no countervailing rights or powers in the condition of slavery itself to which the slave had recourse. From the slave it was complete submission that the master expected, the kind of submission that, ironically enough, sometimes made slaves better patients than the free, according to Celsus (3.21.2): sick slaves could put up with harsh remedies because they were used to coercion. Slavery consequently occupied an extreme place in the spectrum of Roman social relationships in which it was expected that authority should flow from one and

<sup>3</sup> Asymmetrical relationships: see in general, Saller 1982: 7–39.

dutifulness be exhibited by the other. It is not surprising, therefore, that Cicero (*de Republica* 37) should have distinguished it from all other conventional associations by pointing out that, while a son could be expected to obey his father willingly, the slave had to be coerced and worn down into obedience by his master: his spirit had to be broken. The master–slave relationship was not a social contract that bound each side to a set of mutual and reciprocal obligations and benefits in any mutually acceptable manner; it was an arrangement intended to benefit one side only.

Thirdly, the opening items give a good idea of the varied nature of the evidence available for the study of Roman slavery. The images extend chronologically from the middle of the first century BC to the early third century AD, indicating that it is in the central period of Roman history that most is known about the institution. By the central period, I mean the four centuries from roughly 200 BC to AD 200, a span of time which constitutes a distinct historical epoch despite the political and constitutional developments involved, and it is on this period that I shall for the most part concentrate. At the same time the images illustrate the range of conventional sources – literature, papyri, inscriptions, law – from which information has to be drawn (and to which evidence from archaeology can at times be added), and because they range geographically, from Rome and Italy on the one hand (the Roman heartland) to Asia Minor and Egypt on the other, they also serve as a useful reminder that over time, and especially through the central period, Rome subjugated and brought under imperial rule a vast diversity of peoples and lands, uniting all under a single political and administrative framework. This means that when the historian speaks of Rome and of Roman society the terms are constantly redefining themselves, referring at one extreme to a single city in Italy and at the other extreme to the whole of the empire. The shift is one from a geographical to a cultural designation, from the city in a narrow sense to wherever the city's culture came to impose itself. Thus when evidence becomes available from beyond the heartland, as for example from Egypt, allowance has to be made for the possibility of regional variations in slavery practices. Certainly the volume of evidence on slavery at 'Rome' becomes greater over time.<sup>4</sup>

<sup>4</sup> Central period: cf. Brunt 1988: 9–12.

All historians are the victims of their sources. But the historian of Roman slavery is at a special disadvantage, for although a great volume of information is on hand it is all subject to the fundamental flaw that there is no surviving record, if indeed any ever existed, of what life in slavery was like from a slave's point of view. To be sure, some inscriptions that slaves or former slaves set up are still extant, as too a few writings by men who had once been slaves – the fabulist Phaedrus and the philosopher Epictetus for instance. But there is nothing in the ancient evidence comparable to the collections of interviews with former slaves that historians of modern slavery systems can turn to, and nothing resembling the autobiographies of former slaves such as those of the American fugitives Frederick Douglass and Harriet Jacobs, works that provide, as one modern historian has put it, 'a window into the "inside half" of the slave's life which never appears in the commentaries of "outsiders"'. By contrast Roman slavery is almost entirely represented from what the historian of a modern slave culture would call pro-slavery sources, items of evidence that reflect the attitudes and prejudices of the slaveowning sectors of society and that contain at most only minimal sensitivity to the servile perspective of events. What it actually felt like as a Roman slave to be set free or to be sold is difficult to recover when slaves like Tiro and Abaskantis appear in the sources not as historical agents or actors, but as individuals who were acted upon.<sup>5</sup>

The point is critical enough to warrant elaboration. In December 54 BC, some time before the receipt of Quintus' letter concerning Tiro, Cicero wrote to his brother to give him news in his absence of what was happening in Rome. Having disposed of political business, he continued (*Epistulae ad Quintum fratrem* 3.9.4):

Thank you very much for your promise of slaves. As you say, I am indeed short-handed, both in Rome and on my estates. But, my dear fellow, please don't consider anything to do with my convenience unless it's absolutely convenient and easy for *you*.

To enslave prisoners-of-war was standard policy throughout Roman history, so there was nothing untoward about the connection Cicero made between successful warfare in Gaul or Britain and the maintenance of the slave supply at Rome. He simply assumed

<sup>5</sup> Modern historian: Blassingame 1979: 367.

that mechanisms were available for transporting newly acquired slaves from northern to southern Europe and that he could, as it were, place an order for them at any time. What is not evident, however, is any interest in what was involved in the process, especially the emotional process of suddenly being converted from a state of freedom to a state of servitude – of being forcibly separated from kin and a familiar physical environment, of being relocated in a completely alien setting, of being compelled to work for or serve a stranger into whose ownership the captive had fallen, of losing all control over one's existence. From Cicero's rather blasé tone one would doubt that the issue had ever presented itself to him as worthy of consideration. But in its attitudinal deficiency his text, as an item of evidence, typifies practically all the evidence that now remains on Roman slavery.

To overcome this obstacle evidence of every description has to be exploited, and not just conventional evidence. Here a considerable amount of attention will be given to the evidence of Roman law, especially the law of the *Digest*, and to the evidence of those works of imaginative literature composed in the second half of Rome's central period variously styled romances or novels. The first procedure is not all that unusual of course, but it is always potentially problematical, given that Roman law often dealt with the possible rather than the factual. The *Digest*, however, was not compiled for antiquarian or academic reasons but with the practical end in view of law being used and applied, and its authors drew on earlier legal works that in their own time had been derived from the world of reality around them. The words of the jurist Celsus, who flourished in the early second century AD, are important in this respect (*Dig.* 1.3.4–5):

Out of those matters whose occurrence in one kind of case is a bare possibility, rules of law do not develop. For the law ought rather to be adapted to the kinds of things which happen frequently and easily, than to those which happen very seldom.<sup>6</sup>

More unusual, and perhaps controversial, is to use as historical evidence fictional narratives such as Longus' *Daphnis & Chloe* and Apuleius' *Metamorphoses*, works that have been taken to reflect primarily the ambience of the Hellenistic world in which the literary

<sup>6</sup> See further, Bradley 1988. For the lack of sympathy towards slaves displayed by some Roman jurists in the late Republic, see Watson 1968.



form of the romance first developed. Yet in their assumptions of what is plausible and credible in everyday life, as too in their depictions of psychological response to crisis, these narratives also reflect aspects of contemporary reality that can provide valuable historical information. The Lesbos in which *Daphnis & Chloe* is set, it should be noted, is a Lesbos that betrays signs of first-hand knowledge of the island on the author's part, while the Roman provincial milieu of the *Metamorphoses* is unmistakable.<sup>7</sup>

More controversial still is to draw on the evidence of other historical slave regimes, those for example of the New World in the eighteenth and nineteenth centuries, on the assumption that Roman slavery can be profitably illuminated by comparison or contrast with them. The objection is obvious: the historical conditions involved are far too different to make juxtaposition of ancient and modern worthwhile. In my view, however, it is misguided to pretend that the major slave societies of the past have not shared common features and to believe that nothing useful for the ancient world can be learned from modern history, at least as a corrective to simplistic judgements, even as regard is maintained for historical particularity. As appropriate, therefore, reference will be made throughout this book to slavery in later history as a means of compensating for the inadequacy of the Roman sources. Success will depend on replacing images with more durable impressions of slavery and Roman society.

<sup>7</sup> Hellenistic world: Hägg 1983. Contemporary reality: Bowie 1977; Reardon 1991; cf. Boswell 1988: 95–100. Lesbos: Bowie 1985: 86–90. Provincial milieu: Millar 1981.

## CHAPTER 2

*The slave society of Rome*

In 2 BC a law was passed at Rome which regulated the number of slaves a slaveowner was allowed to set free in his will. The *lex Fufia Caninia* was one element of what is customarily called the Augustan social legislation, a sequence of measures enacted in the principate of Augustus intended by and large to arrest a decline in civic responsibility that contemporaries perceived in the world around them. In this case the object was to oblige slaveowners to use their powers of manumission wisely and to set free only those slaves who had proved that they deserved freedom: indiscriminate and irresponsible manumission was to be avoided. A fragment of a Latin will found in Egypt (*CPL* 174) shows a slaveowner late in the central period about to give details on the slaves he proposed to set free. It begins: ‘Since I know that I am not permitted by will to manumit a greater number than provided by the *lex Fufia Caninia* ...’ The law was followed, even in much later times and far removed places, and made an impact on society.

The point of immediate interest, however, is not the issue of setting slaves free but the scale of slaveownership that the authors of the *lex Fufia* understood to be typical of their society when they framed it. According to the jurist Gaius (*Institutiones* 1.43) in the second century AD, the law provided as follows:

Someone who has more than two but not more than ten slaves is permitted to free up to half their number; someone who has more than ten but not more than thirty is permitted to free up to one-third. Someone who has more than thirty but not more than one hundred is allowed to free up to a quarter. Finally, someone who has more than one hundred but not more than five hundred is permitted to free not more than one-fifth; nor does the law take account of someone owning more than five hundred to select a proportion from that number, but it prescribes that no one may lawfully free more than one hundred slaves. But if someone has only one slave in all, or two, this law does not apply and so he has full power to free.